

Application Serial No. 10/717,424  
Reply to Office Action of February 24, 2005

PATENT  
Docket: CU-3446

### **REMARKS/ARGUMENTS**

Reconsideration is respectfully requested.

Claims 1-13 are pending in the present application before this amendment. By the present amendment, Claims 1-13 have been amended. No new matter has been added.

Applicant respectfully notes at the outset, the Office Action **incorrectly** indicates as Claims 4-13 as being pending, instead of Claims 1-13. A reissue application complying with all requirements under 37 CFR §§ 1.171 and 1.173 and MPEP 1410-1411 has been filed on November 19, 2003. In particular, Applicant notes that a printed patent was submitted as the Specification for the reissue application according to 37 CFR 1.173 and MPEP 1411 ("The entire specification, **including claims**, of the patent for which reissue is requested must be furnished in the form of a **copy of the printed patent**, in double column format...). Further, proper amendments have been made in the Specification by "inserting the added material and rejoining the remainder of the column" (see MPEP 1411). That is, in addition to Claims 1-3, Claims 4-13 have been properly amended (i.e., added) into the reissue Specification furnished in the form of a copy of the printed patent. Therefore, what is pending as of now is Claims 1-13 that should have been subjected to full examination. Further, it is abundantly clear by the Listing of Claims submitted as a part of the "Status of Claims and Support For Changes of Claims and Specification," in which Claims 1-13 are pending.

According to 7 CFR 1.176 and MPEP 1440:

"37 CFR 1.176 provides that an original claim, **if re-presented** in a reissue application, will be fully examined in the same manner, and subject to the same rules as if being presented for the first time in an original non-reissue,

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### **REMARKS/ARGUMENTS**

Reconsideration is respectfully requested.

Claims 1-13 are pending in the present application before this amendment. By the present amendment, Claims 1, 3-5, 8, and 11-13 have been amended. No new matter has been added.

Applicant respectfully notes at the outset, the Office Action **incorrectly** indicates as Claims 4-13 as being pending, instead of Claims 1-13. A reissue application complying with all requirements under 37 CFR §§ 1.171 and 1.173 and MPEP 1410-1411 has been filed on November 19, 2003. In particular, Applicant notes that a printed patent was submitted as the Specification for the reissue application according to 37 CFR 1.173 and MPEP 1411 ("The entire specification, **including claims**, of the patent for which reissue is requested must be furnished in the form of **a copy of the printed patent**, in double column format...). Further, proper amendments have been made in the Specification by "inserting the added material and rejoining the remainder of the column" (see MPEP 1411). That is, in addition to Claims 1-3, Claims 4-13 have been properly amended (i.e., added) into the reissue Specification furnished in the form of a copy of the printed patent. Therefore, what is pending as of now is Claims 1-13 that should have been subjected to full examination. Further, it is abundantly clear by the Listing of Claims submitted as a part of the "Status of Claims and Support For Changes of Claims and Specification," in which Claims 1-13 are pending.

According to 7 CFR 1.176 and MPEP 1440:

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nonprovisional application, except that division will not be required by the Examiner. See MPEP §§1450-1451."

As already noted above, the original Claims 1-3 have been re-presented in the Specification of the reissue application (i.e., a copy of the patent including the amendments). Accordingly, Applicant respectfully request prompt examination of Claims 1-3 and solicit allowance of these claims in the next action. Further, a final rejection status in the next action if the action rejects any of Claims 1-3 would be improper, since these unexamined claims are being examined for the first time.

Claims 4-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Admitted Prior Art (APA) in view of U.S. Patent No. 5,636,243 (Tanaka).

The presently claimed invention aims to reduce, inter alia, interference of other terminals, which is a problem peculiar to the CDMA mobile communication system. On the other hand, the technique disclosed in the Tanaka reference is to reduce power consumption in the PHS communication system. Thus, there is no motivation or suggestion to combine APA and the Tanaka reference since the Tanaka reference has nothing related to reduction of interference.

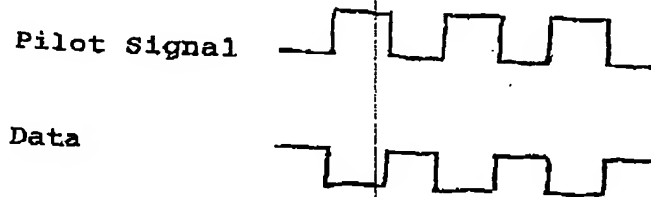
Additionally, the presently claimed invention differs from APA and the Tanaka reference in the following points.

a) Tanaka does not clearly show the claimed pilot signals. Supposing that, in FIG. 4 of the Tanaka reference, PR of downgoing SCCH indicates a pilot signal and DATA (SCCH) indicates data, the pilot signal and the data are transmitted as a pair but the pilot signal and the data are not simultaneously transmitted. That is the pilot signal and the data are intermittently transmitted at

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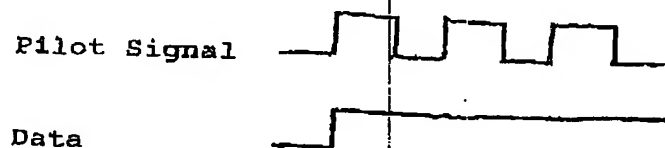
different timing as shown below.



b) In the APA, the pilot signal and the data (traffic channel) are continuously and simultaneously transmitted as shown below.



c) In the presently claimed invention, the pilot signal is transmitted intermittently and the data is transmitted continuously as shown below. Thus, at the timing of transmitting the pilot signal, the pilot signal and the data are transmitted simultaneously, but when the pilot signal is not transmitted, only the data is transmitted.



Thus, in the presently claimed invention, the timing of simultaneously transmitting the pilot signal and the data and the timing of transmitting only the data appear alternately, and the timings are offset between base stations.

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In order to more clarify the above-mentioned feature of the present invention, the following limitation --wherein the data signals are transmitted continuously even when the pilot signal is transmitted intermittently-- has been added to the claims.

For the reasons set forth above, Applicant respectfully submits that Claims 1-13 pending in this application are in condition for allowance over the cited reference(s). This amendment is considered to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and earnestly solicits an indication of allowable subject matter. Should the Examiner have any remaining questions or concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

Dated: May 19, 2005



W. William Park, Reg. No. 55,523  
Ladas & Parry LLP  
224 South Michigan Avenue  
Chicago, Illinois 60604  
(312) 427-1300